

STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE PETITION OF)
THE TOWN OF WINFIELD, LAKE)
COUNTY, INDIANA, FOR APPROVAL OF)
A REGULATORY ORDINANCE)
ESTABLISHING A SERVICE TERRITORY) CAUSE NO. 45992
FOR THE TOWN'S MUNICIPAL SEWER)
SYSTEM PURSUANT TO IND. CODE § 8-)
1.5-6 ET SEQ)

You are notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On April 1, 2024, the City of Crown Point, Indiana and its Crown Point City Utilities (collectively "Crown Point") filed a Motion to Consolidate ("Motion"). In its Motion, Crown Point argued that Cause Nos. 45992 and 46035 should be consolidated pursuant to 170 IAC 1-1.1-19 because the two causes involve common issues of fact and law, and portions of Crown Point's proposed regulated territory overlaps with the proposed regulated territory of the Town of Winfield ("Winfield").

On April 4, 2024, Winfield filed an objection to Crown Point's Motion ("Objection"), arguing that Cause No. 45992 is procedurally farther along than Cause No. 46035. In addition, Winfield asserts that consolidation would unduly broaden and complicate the issues in Cause No. 45992 because Crown Point seeks approval of a regulatory ordinance for both its water and sewer territory, while Winfield only seeks approval of a regulatory ordinance for its sewer territory. Winfield also argued that Crown Point's Petition in Cause No. 46035 identified five additional utilities impacted by Crown Point's ordinance but have no interest in Winfield's requested relief, which would expand the universe of potential intervenors if consolidated.

On April 15, 2024, Crown Point filed its Reply to Winfield's Objection, stating both causes call into question who should serve the overlapping service area and reiterates its argument that the two matters share common issues of law and fact.

On January 21, 2025, the Commission conducted an Attorneys' Conference in this Cause, during which the parties discussed the possible consolidation of the dispute between Crown Point and Winfield related to the overlapping sewer territory raised in both Cause Nos. 45992 and 46035.

The Presiding Officers, having reviewed the Motion, DENY it.¹ While we decline to consolidate this Cause with Cause No. 46035, we find that the dispute between Winfield and Crown Point concerning the overlapping sewer territory should be consolidated and addressed in this Cause. Crown Point's regulatory ordinance regarding its water service territory and sewer territory that is undisputed with Winfield will continue to be addressed in Cause No. 46035. Because this case has essentially been stayed upon agreement by the parties since Crown Point's petition to intervene filed on April 1, 2024, we find the 300-day statutory deadline for the issuance of a Commission order has been waived. The parties are directed to confer and file an agreed proposed procedural schedule on or before February 19, 2025.

IT IS SO ORDERED.



David E. Ziegner, Commissioner



Kehinde Akinro, Administrative Law Judge

Date: February 11, 2025

¹ Given the passage of time and our decision herein, we find Winfield's April 4, 2024 Motion to Strike, Crown Point's April 10, 2024 Unopposed Motion for Extension of Time, and Winfield's April 16, 2024 Motion for Leave to File Sur Reply to be moot.